

ENTERED

November 27, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CARLOS GOODEN,

§

Plaintiff,

§

v.

Civil Action No. H-23-1987

THE UNIVERSITY OF HOUSTON
SYSTEM, *et al.*

§

Defendants.

§

ORDER

Pending before the Court is Defendant's Motion to Dismiss Plaintiffs First Amended Complaint (Document No. 30). Having considered the motion, submissions, and applicable law, the Court finds defendants' motion should be granted in part and denied in part.

On May 30, 2023, Plaintiff Carlos Gooden ("Gooden") brought this action for employment discrimination against Defendant The University of Houston System ("UH") and Defendant The University of Houston-Downtown ("UH Downtown") (collectively, the "Defendants"). On August 14, 2023, the Defendants moved to dismiss the original complaint. On October 2, 2023, Gooden with consent of the Defendants, filed his first amended complaint. On October 30, 2023, the Defendants moved to dismiss Gooden's amended complaint asserting dismissal is

proper due to lack of subject jurisdiction and failure to state a claim. In response to the Defendants' motion, Gooden has voluntarily dismissed his claims arising from 42 U.S.C. § 1981.¹ Accordingly, the Court hereby

ORDERS that Defendant's Motion to Dismiss Plaintiffs First Amended Complaint (Document No. 30) is **GRANTED IN PART** and **DENIED IN PART**. The motion is granted as to Gooden's 42 U.S.C. § 1981 claim and denied as to all other claims.

SIGNED at Houston, Texas, on this 27day of November, 2023.



DAVID HITTNER
United States District Judge

¹ *Plaintiffs Response in Opposition to Defendants' Rule 12(b) Motion to Dismiss*, Document No. 31 at 2.